

## ATTACHMENT A

### AFFIDAVIT

I, David J. Gault, being duly sworn, depose and state that:

I am a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I am an investigator or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered to conduct investigations of and to make arrests for the offenses enumerated in Titles 18, 19, 21, and 31 of the United States Code and other related offenses. I have been a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Justice Department since June 21, 2016. I am currently assigned to the Greenville, South Carolina Field Office. My duties involve the investigation of federal firearms offenses and associated violent crime and narcotics offenses.

I am a graduate of the South Carolina Criminal Justice Academy and the University of South Carolina-Upstate with a Bachelor's degree in Criminal Justice. I have served in various roles with the Greenville Police Department including Patrol, Crime Reduction Unit and Vice/Narcotics Unit during my 11 year career.

I have personally participated in the investigation of the offenses referred to in this affidavit. From personal participation and from oral and written reports made to me by others, I am familiar with the facts and circumstances of this investigation. This affidavit does not include all the facts known to me regarding this investigation, only those sufficient to establish probable cause that federal law has been violated. As such, I have set forth only those facts that I believe are necessary to establish probable cause to believe that Anthony Marquise VALENTINE, has violated Title 18, United States Code, Section 922(g)(1), by knowingly possessing a firearm in the District of South Carolina, on or about March 22, 2017, after being convicted of a crime for which he could have received more than one year in prison.

#### Arrest of VALENTINE by Greenville Police Department

On March 22, 2017, this affiant and detectives with the Greenville Police Department Vice and Narcotics Unit proceeded to 1175 Haywood Road Apt. 7-N Greenville, South Carolina (target apartment) regarding the service of a narcotics related search warrant. Upon approaching the front door of the target apartment, this affiant identified the pungent and distinct odor of raw marijuana and heard

male voices talking inside. This affiant knocked several times while yelling, "Police, search warrant! Come to the door!" After waiting a reasonable amount of time, the affiant used a key obtained from the office to unlock and enter the apartment. VALENTINE and Tony Donald were located in the living room and were detained without incident.

As detectives searched the apartment, a digital scale and red SOLO cup with green plant residue were observed on the dining room table in plain view. A black Air Jordan shoe box was located in plain view on the floor behind the dining room table. The lid to the box was open and two large bags of green plant material, US Currency, clear baggies and a black handgun were observed. Further inspection of the shoe box revealed a Hi-Point 9mm handgun (Serial Number: P1659976), loaded with four (4) rounds of 9mm ammunition, green plant material that field tested positive as marijuana with a weight of 573 grams, numerous clear sandwich baggies and \$360.00 in US Currency were inside. Based on the training and experience of this affiant, it is known that a digital scale and clear sandwich baggies are commonly used by drug traffickers to package and weigh drugs.

Documents bearing VALENTINE's name were located in drawer in the kitchen. A box containing forty-nine (49) rounds of 9mm ammunition was located in the kitchen cabinet. During the search, VALENTINE spontaneously stated that everything in the apartment was his.

This affiant conducted a recorded interview with VALENTINE who was advised of his Miranda Rights. VALENTINE stated that he understood his Miranda Rights. VALENTINE stated that there was nothing to talk about because everything in the apartment belonged to him. This affiant retrieved the shoe box and showed VALENTINE the contents of the shoe box which included two gallon-size bags of marijuana, the Hi-Point 9mm handgun, US Currency. VALENTINE was shown each item individually and stated that belonged to him. VALENTINE stated that the handgun was loaded and that he had it with him for protection. VALENTINE also said the box of Winchester 9mm ammunition belonged to him.

VALENTINE was arrested on the state charge of Possession with Intent to Distribute Marijuana 3<sup>rd</sup> Offense.

#### Criminal history of VALENTINE

VALENTINE has previously been convicted of a crime punishable by imprisonment of a term exceeding one (1) year. VALENTINE has previously

been convicted of Accessory After the Fact of a Felony, Resisting Arrest and two (2) counts of Manufacturing/Possession with Intent to Distribute Schedule I-IV 2<sup>nd</sup> Offense. For each of these offenses, VALENTINE was sentenced to a term of imprisonment of at least one (1) year.

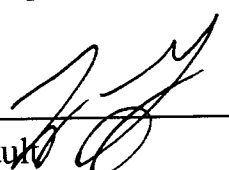
Interstate nexus of firearm/ammunition

The firearm, a Hi-Point 9mm (Serial Number: P1659976), and ammunition, Winchester 9mm rounds headstamped "WIN 9mm LUGER" were not manufactured in the state of South Carolina, and as such, the firearm and ammunition, prior to VALENTINE's possession, traveled in and affected interstate commerce.

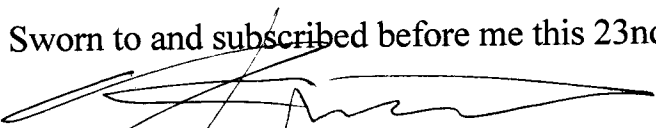
Pardon query for VALENTINE

A search of the pardon records at the South Carolina Department of Probation, Parole and Pardon Services confirmed that VALENTINE has not received a pardon for any of his convictions.

Wherefore, based upon all of the information set forth in this Affidavit, I respectfully submit that there is probable cause to believe that Anthony Marquise VALENTINE has violated Title 18, United States Code, Section 922(g)(1), by possessing a firearm after being convicted of a felony offense. In consideration of the foregoing, I respectfully request this Court to issue a Criminal Complaint and Arrest Warrant for Anthony Marquis VALENTINE.

  
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David J. Gault  
Task Force Officer, ATF

Sworn to and subscribed before me this 23<sup>rd</sup> day of March, <sup>2017</sup>~~2016~~.

  
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The Honorable Kevin F. McDonald United States Magistrate Judge  
District of South Carolina